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Patent Application S/N: 10/037,489   Attorney Docket No.: P-2192D2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPEAL BRIEF	Application Number	**10/037,489**
	Filing Date	**October 22, 2001**
	First Named Inventor	**John Edward McNulty**
	Art Unit	**2155**
	Examiner Name	**Faruk Hamza**
	Title	**DATA SYNCHRONIZATION MECHANISM FOR INFORMATION BROWSING SYSTEMS**
	Attorney Docket Number	**P-2192D2**

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P.O. Box 1450
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April 28, 2006

I, JAMES D. IVEY, certify that this paper and the enclosed: Appeal Brief Appendix, PTO/SB/21 Transmittal Form, Form PTO/SB/17 Petition to Extend Time, Fee Transmittal, and Form PTO2038 for fees are being transmitted by facsimile to Mail Stop: Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at the telephone number (571) 273-8300 on April 28, 2006.

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James D. Ivey, Reg. No. 37,016

APPEAL BRIEF

Applicant hereby files this Appeal Brief in support of the Appeal initiated by a Notice of Appeal filed on December 28, 2005. The requisite fee under 37 CFR 41.20(b)(2) of $250 is enclosed herewith. For the reasons given below, Applicant respectfully requests reversal of the Examiner's rejection of Claims 1-11 under 35 U.S.C. § 102.

I. Real Party in Interest

The real party in interest is the assignee, PocketThis, Inc. The documents establishing ownership of the instant Application are recorded in the U.S. Patent and Trademark Office

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beginning at reel 012769. frame 0387.

II. Related Appeals and Interferences

There are no known related appeals or interferences.

III. Status of the Claims

Claims 1-11 are pending and stand rejected.

Claims 1-11 are rejected under 35 U.S.C. §102(e) as being anticipated by Multer et al.

(U.S. Patent 6,671,757).

IV. Status of Amendments

All amendments submitted in writing have been entered.

V. Summary of the Invention

In accordance with the present invention, a user of a base system such as a desktop

computer system organizes information stored on a server system for subsequent access by the

user through a mobile device such as a wireless telephone. The server system is coupled to both

the base system and the mobile device through a wide area computer network such as the

Internet, for example.

The user organizes information of interest using all the storage, bandwidth, multimedia,

and user interface capabilities of a general purpose, modern computer system. Such information

is gathered from local software applications on the base system such as personal information manager (PIM) programs or from any of a number of other computer systems through the wide area network. Thus, in accordance with the present invention, the user can use full bandwidth and full multimedia and user interface capabilities to navigate and collect information through the Internet for convenient, immediate, subsequent access through the mobile device.

When accessing the information through the mobile device, the server system provides a list of one or more data objects representing information previously gathered by the user, wherein each of the data objects can be accessed through the mobile device with a single user-interface gesture, e.g., by pressing a single key of a numeric keypad on the mobile device.

Each of the data objects stored by the server system representing information gathered and submitted by the user is associated with a data type according to which the content of each data object is organized into attributes and according to which actions are applicable to the data object. For example, information of a place type data object includes a name attribute, a street address attribute, a city attribute, a telephone number attribute, etc. Actions associated with a place type data object include initiating a telephone call to the telephone number of the place, getting driving directions to or from the address of the place, etc.

Thus, the manner in which the data object is sent to the mobile device depends on the particular attributes defined for the type of data object. In the above example, if the type of the data object is a place, the data object includes a telephone number which is set apart from other attributes of the data object and associated with an action by which the user can initiate a telephone call using the telephone number field of the place-type data object. Sending the data object in accordance with one or more attributes defined for the particular type of the data object

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gives the present invention a distinct advantage over the prior art, namely, the ability to organize the data and the actions associated with the data according to the type.

Some of the actions are performed by the mobile device. For example, initiating a telephone call in the mobile device uses data of the place object already displayed on the mobile device in conjunction with an initiate telephone call instruction performed by the mobile device. Others of the actions are performed primarily by the server system, using the mobile device primarily for user interface purposes. For example, in obtaining driving directions relative to a place object, the server system prompts the user, through the mobile device, to specify whether the place data object currently displayed is the origin or destination of the trip for which directions are sought and for another place which specifies the other end of the trip. The system server requests directions for the trip from a map server through a wide area network such as the Internet and formats the resulting driving directions for display on the user's mobile device and sends the formatted directions for such display.

Thus, while the Internet is generally very open-ended and users are free to meander about the virtual sea of information using apt multimedia-capable computer system and apt user input devices, a user is free to organize information gathered from the Internet or from her computer for storage in a number of predefined data types with associated actions such that the user's interaction with the Internet through a mobile device with limited display capabilities, limited bandwidth, and limited user input devices can be prearranged and customized by the user. Such improves dramatically the usability of Internet-capable mobile devices for the types of tasks they are likely to be used in an Internet context.

VI. Issues

There is but one main issue: <u>Are Claims 1-11 anticipated by Multer et al.?</u> Within this main issue are several sub-issues:

A. <u>Do Multer et al. teach "sending the data to the user through the mobile system interface in accordance with one or more data attributes defined for the selected [one of two or more] data object type[s]?"</u>

B. <u>Do Multer et al. teach "parsing the data into one or more portions, each of which corresponds to the one or more data attributes defined for the selected data object type?"</u>

C. <u>Do Multer et al. teach "sending the data along with one or more user interface triggers by which the user can invoke one or more respectively associated actions to be taken with respect to the data?"</u>

VII. Grouping of the Claims

With respect to Issue A, all claims at issue stand or fall together.

With respect to Issue B, Claims 3 and 4 stand or fall together.

With respect to Issue C, Claims 5-11 stand or fall together.

VIII. Argument

A. <u>Do Multer et al. teach "sending the data to the user through the mobile system interface in accordance with one or more data attributes defined for the selected [one of two or more] data object type[s]?"</u>

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Generally, Multer et al. teach a personal information manager (PIM) data synchronizing system – e.g., for synchronizing contact, calendar, e-mail, note, and task information between multiple systems. The Examiner's analysis seems centered on the embodiment taught by Multer et al. in conjunction with Figures 6 and 7 in which a synchronizing engine is implemented in a server to act somewhat as a go-between for two or more devices whose PIM data is to be synchronized with respect to one another.

At the outset, Applicant respectfully notes that the Examiner has not provided any detailed analysis as to what specific teachings in Multer et al. are read upon by what specific recited limitations in Applicant's claims. Instead, the Examiner's arguments consist of verbatim quotation of Applicant's claim language and identification of a paragraph or two of Multer et al. without more detailed analysis or specific reference to individual teachings. Accordingly, much of the arguments presented herein are based on what Applicant considers to be reasonable assumptions regarding the Examiner's basis for rejection of the pending claims.

With respect to the use of multiple types of data and "sending ... in accordance with one or more data attributes defined for the selected data object type," the Examiner cited Figures 11-13 and accompanying text in Multer et al. Applicant respectfully submits that the Examiner has misread Multer et al. and that, instead, Multer et al. teach only sending a single type, namely, the "universal format," of difference information between synchronizing engines.

In support of the Examiner's assertion that Multer et al. teach "associating the data object with a select one of two or more data object types" as recited by Claim 1, the Examiner cited the following: "Column 34, lines 12-34; Column 38, lines 55-67, Column 39, lines 1-10; Fig. 12 and Fig. 13, Multer discloses associating data objects with object items (object types)."

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The cited portions of Columns 38 and 39 describe Figures 12 and 13. Applicant respectfully submits that Figure 12 shows nothing more than a single type of data, namely, the sole supported data structure for transport and described by Multer et al. as the "universal data format". "FIG. 12 shows the general format of the data package and universal data format [of] an object stream hierarchy used in accordance with the present invention." (Multer et al. at column 39, lines 55-57).

The Examiner appears to have interpreted the various things that can be represented by a single attribute of the universal data format of Figure 12, i.e., the various values that can be used to identify a particular data field within item field 1260, as various types of information that can be transmitted through a synchronizing engine. Applicant respectfully submits that these fields are, in fact, taught to be data fields and not data types. In particular, these fields appear to identify a particular field within application data for which a difference is recorded, not to define a type of data to be transported.

Figure 13 does not represent the types of data that can be transferred in the system described by Multer et al. Instead, Figure 13 shows possible classification, not of data transported in the system of Multer et al. but instead, of "application data" (Multer et al. at column 38. lines 59-61). Multer et al. describes "application data" more particularly with respect to Figure 8. In addition, Multer et al. makes clear that application data is not transported but instead "change or difference information (Δ) is provided in one or more data packages ... . Each data package describes changes to any and all transfer information across all device engines, including but not limited to, application data, files, folders, application settings, and the like." Multer et al. at column 11, lines 7-12.

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Thus, not only does Multer et al. teach away from transporting application data shown in Figure 13, Multer et al. specifically teaches that "any and all" transferred data is in the form of difference information.

Figure 12 of Multer et al. shows nothing different. Figure 12 shows a number of possible identifiers associated with item field 1260 to indicate that item field 1260 can identify any of a number of fields of an item to indicate a change therein.

Nothing in the excerpts of Multer et al. cited by the Examiner indicate that Multer et al. teach transportation of more than one type of difference information. In fact, Multer et al. teach specifically at column 28, line 25, to column 32, line 33, that there is but one "universal record format" according to which data is transported in the system of Multer et al.

Moreover, the Examiner has failed to identify a single attribute "defined for" the selected data object type "in accordance with" which the difference data is transported. Assuming arguendo that the Examiner has identified types of data transported by Multer et al., the Examiner has not indicated how any attributes defined for any such types influence the manner in which data is transported in Multer et al.

In contrast, Applicant's Figure 6B and accompanying text in Applicant's Specification teach conditional logic in which actions appropriate for a particular type of data object are collected for sending with the data object to the user. In particular, the type of a data object transported influences the manner in which the data object is sent. i.e., the data object is sent in accordance with the type of the data object.

Accordingly, Claim 1 is allowable over Multer et al. Claims 2-11 depend from Claim 1 and are therefore similarly allowable.

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B.   <u>Do Multer et al. teach "parsing the data into one or more portions, each of which</u>

<u>corresponds to the one or more data attributes defined for the selected data</u>

<u>object type?"</u>

Claim 3 is allowable over Multer et al. for reasons independent of the dependence of

Claim 3 from Claim 1. Since Multer et al. teach (i) that all relevant data is either in the form of

application data or of the universal record format and (ii) that application data and data in the

universal record format are structured, there is no need to parse anything. Instead, all data of

interest can be directly accessed, rendering parsing completely unnecessary.

In contrast. Applicant's Specification teaches at pages 65-67 and in Figures 42-43 that

text can be copied from any document and matched against a pattern for parsing into data

attributes defined for a particular type of data object. Parsing is therefore quite useful in

mapping unstructured data into respective attributes of a defined data type.

Thus, Multer et al. neither teach nor suggest "parsing the data into one or more portions,

each of which corresponds to the one or more data attributes defined for the selected data object

type" as recited by Applicant's Claim 3. Accordingly, Claim 3 is allowable over Multer et al.

Claim 4 depends from Claim 3 and is similarly allowable.

C.   <u>Do Multer et al. teach "sending the data along with one or more user interface triggers</u>

<u>by which the user can invoke one or more respectively associated actions to be</u>

<u>taken with respect to the data?"</u>

Claim 5 is similarly allowable over Multer et al. for reasons independent of the

dependence of Claim 5 from Claim 1. Claim 5 recites "sending the data along with one or more

user interface triggers by which the user can invoke one or more respectively associated actions

to be taken with respect to the data." The Examiner cited Multer et al. at column 8, lines 1-16, as teaching this limitation. However, Applicant finds no mention whatsoever in the cited passage of a user interface trigger, let alone a user interface trigger that is sent "along with" the data as recited in Applicant's Claim 5. As noted above with respect to Claim 1, Multer et al. specifically teaches that "any and all" transferred data is in the form of difference information, suggesting away from inclusion of user interface triggers with the difference information.

Accordingly, Claim 5 is also allowable over Multer et al. Claims 6-11 depend from Claim 5 and are therefore similarly allowable.

Conclusion

In light of the above discussion, it is apparent that the Examiner has failed to establish that Applicant's Claims 1-11 are unpatentable in view of above-cited art. Accordingly, Applicant urges that all of the Examiner's rejections be reversed and respectfully requests that Claims 1-11 be allowed.

Respectfully submitted,

James D. Ivey
Attorney for Applicant
Reg. No. 37,016

IVEY, SMITH & RAMIREZ
3025 Totterdell Street
Oakland, California 94611-1742
Voice: (510) 336-1100
Facsimile: (510) 336-1122

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	Filing Date	October 22, 2001
	First Named Inventor	John Edward McNulty
	Art Unit	2155
	Examiner Name	Faruk Hamza
APPENDIX	Title	DATA SYNCHRONIZATION MECHANISM FOR INFORMATION BROWSING SYSTEMS
	Attorney Docket Number	P-2192D2

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James D. Ivey, Reg. No. 37,016

APPEAL BRIEF — APPENDIX

Applicant respectfully submits the following Appendix to the Appeal Brief in the

referenced case which is filed herewith. The following are the claims involved in this appeal.

1.   (Original)   A method for managing information on behalf of a user, the

method comprising:

receiving data representing the information from the user through a base system

interface;

storing a data object representing the data in a database;

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associating the data object with the user within the database;

associating the data object with a select one of two or more data object types;

receiving a request from the user for retrieval of the data through a mobile system interface; and

sending the data to the user through the mobile system interface in accordance with one or more data attributes defined for the selected data object type.

2.   (Original)   The method of Claim 1 wherein each of the data object types is associated with a type identifier.

3.   (Original)   The method of Claim 1 further comprising:

parsing the data into one or more portions, each of which corresponds to the one or more data attributes defined for the selected data object type; and

wherein storing the data object includes storing the one or more portions organized according to the data attributes defined for the selected data type.

4.   (Original)   The method of Claim 3 wherein the parsing is according to an attribute pattern specified for the selected data object type.

5.   (Original)   The method of Claim 1 wherein sending comprises:

sending the data along with one or more user interface triggers by which the user can invoke one or more respectively associated actions to be taken with respect to the

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data.

6.   (Original)   The method of Claim 5 wherein a selected one of the actions is to be performed by a mobile device used by the user to request the data.

7.   (Original)   The method of Claim 6 wherein the selected action has a behavior defined by one or more instructions to be performed by the mobile device; and

further wherein sending the data to the user includes sending the instructions with the data.

8.   (Original)   The method of Claim 5 wherein a selected one of the actions is accessible to the user only if the selected data object type of the data object is one of one or more acceptable ones of the two or more data object types.

9.   (Original)   The method of Claim 5 wherein performance of a selected one of the actions acts upon one or more of the data attributes of the data object.
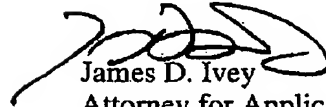
10.   (Original)   The method of Claim 5 wherein a selected one of the actions is accessible to the user depending upon user data representing characteristics of the user.

11.   (Original)   The method of Claim 10 wherein the user data includes specification of a mobile data services provider.

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Respectfully submitted,

James D. Ivey
Attorney for Applicant
Reg. No. 37,016

IVEY, SMITH & RAMIREZ
3025 Totterdell Street
Oakland, California 94611-1742
Voice: (510) 336-1100
Facsimile: (510) 336-1122

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